

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---|---|------------------------------|
| ANTHONY HORNICEK, on behalf of |) | |
| Himself and all others similarly situated, |) | |
| 683 Shropshire Drive |) | |
| West Chester, PA 19382 |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION FILE NO. |
| |) | 2:10-cv-03631-LP |
| CARDWORKS SERVICING, LLC |) | |
| 255 West Station Square Drive |) | |
| Pittsburgh, PA 15219, |) | |
| |) | |
| Defendant. |) | |
| <hr style="width: 40%; margin-left: 0;"/> |) | |

DEFENDANT’S RESPONSE
TO PLAINTIFF’S MOTION TO STAY PROCEEDINGS, INCLUDING
DEFENDANT’S MOTION TO COMPEL ARBITRATION

COMES NOW, CardWorks Servicing, LLC (“CardWorks”), Defendant in the above-styled action, and files this Response to Plaintiff’s Motion to Stay Proceedings as set forth below:

CardWorks Servicing, LLC, does not object to Plaintiff’s Motion to Stay the Proceedings, including CardWorks’ pending Motion to Compel Arbitration; however, CardWorks *does not* agree that the pending case before the United States Supreme Court in the matter of *AT&T Mobility, LLV v. Vincent and Liza*

Concepcion, cert. granted at 130 S.Ct. 3322 (2010) (No. 09-0893), has any bearing on or relevance to the instant matter.

Respectfully submitted,

MAURICE & NEEDLEMAN, P.C.

s/ JOANN NEEDLEMAN

JOANN NEEDLEMAN (74276)

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*Attorney for Defendant, CardWorks
Servicing, LLC*

Date: November 16, 2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY HORNICEK, ON BEHALF
OF HIMSELF AND OTHERS
SIMILARLY SITUATED,

Plaintiff,

vs.

CARDWORKS SERVICING LLC,

Defendant.

Hon. Louis Pollack
Civil Action No.: 10-3631

CERTIFICATE OF SERVICE

I, JOANN NEEDLEMAN, ESQUIRE, hereby certify that on this date I have caused a true and correct copy of the foregoing response to Plaintiff's Motion for Stay of Proceedings to be served by regular, first class mail, postage pre-paid and electronic submission upon:

THEODORE E. LORENZ, ESQ.
450 N. NARBERTH STREET
NARBERTH, PA 19072

MAURICE & NEEDLEMAN, P.C.

s/ JOANN NEEDLEMAN

JOANN NEEDLEMAN (74276)
Attorney for Defendant

Date: November 16, 2010

